



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2103146

Applicant Name: Robin Abrahams, Abrahams Architects, for
Neighborhood Development Corporation

Address of Proposal: 2305 E Madison St

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a mixed use building containing approximately 3,549 square feet of ground floor commercial space with 21 residential units located on three floors above. Parking for 30 vehicles to serve the proposed building will be located in a below grade parking garage. The project includes the demolition of an existing structure one story commercial structure and approximately 800 cubic yards of earth movement. The total square footage of the building with the parking garage is approximately 37,492 square feet.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

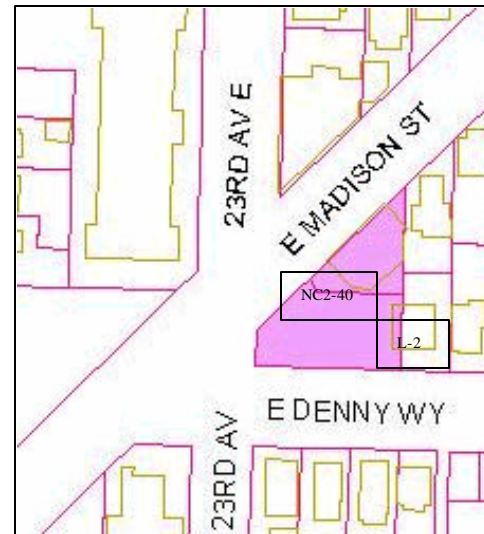
☐ DNS with conditions

☒ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The development site is comprised of three separate lots. The site is currently occupied by a one story abandoned commercial structure, a three story single purpose residential structure and a surface parking lot. As a result of the project, the one story commercial structure and the surface parking will be removed, with the single purpose residential retained. The development site, located at the intersections of 23rd Ave E., E. Madison and Denny Way E., is located predominately in an NC2-40 zone, with a portion of the site also zoned Lowrise 2 or L2. The uses associated with the L2 zone, primarily to the east and south of the development site, are primarily single family and lower density multi-family uses. The portion of the site fronting E. Madison is zoned NC2-40 and contains similar mixed use and commercial projects as well as smaller scale residential uses.



ANALYSIS - DESIGN REVIEW

Early Design Guidance Meeting

On July 11, 2001 the Capitol Hill/First Hill Design Review Board held their Early Design Guidance meeting. At this meeting, the applicant's presented drawings, models and other presentation materials that highlighted their conceptual development proposal. After visiting the site, considering the analysis of the site and context provided by proponents and hearing public comment, the Design Review Board members provided the following siting and design guidance, identifying by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" that are of the highest priority to this project. These prioritized guidelines also included comments from the Design Review Board, which were included in the Early Design Guidance report:

- A-1 Responding to Site Characteristics
- A-2 Streetscape compatibility
- A-3 Entrances visible from the street
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-6 Transition Between Residence and Street
- A-7 Residential Open Space

- A-8 Parking and Vehicle Access
- A-10 Corner Lots
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-3 Human Scale
- C-4 Exterior Finish Materials
- C-5 Structured Parking Entrances
- D-1 Pedestrian Open Spaces and Entrances
- D-4 Design of Parking Lots Near Sidewalks
- D-5 Visual Impacts of Parking Structures
- D-7 Personal Safety and Security
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site

Departures from Development Standards

At the early design guidance meeting, the applicants requested three design departures permitted under SMC 23.41:

- A reduced landscape buffer and no fencing along the east property line (SMC 23.47.016D2)
- Increase in the allowed number of small spaces and a decrease in the required number of large spaces (SMC 23.54.030B2)
- Reduce the size of the driveway widths for mixed use buildings from 22 feet to 12 feet (SMC 23.54.030D2)

At that meeting, the Board reserved input on their support for the departure request until the final design review meeting.

Final Recommendation Meeting

On August 20, 2003, the Capitol Hill/First Hill Design Review Board held their second meeting on this proposal. The applicant brought additional materials, including photographs, renderings, materials and models to indicate how the project had developed since the early design guidance meeting. In their presentation, the applicant provided information on the development of the project, including a change in the overall concept of the proposal since the initial meeting with the Board. The applicant detailed the development of the project, including:

- Development of a new massing for the building, including a broad curving form along E. Madison and simplification of the remaining forms of the building
- Development of a residential expression along E Denny Way, with the mass stepping down the hillside and development of a townhouse style expression to compliment the adjacent residential zone
- The introduction of a small surface parking area along Madison, at the NE corner of the project

- The proposed use of materials, including stucco on the residential portions of the project, wood siding on the curved form, a concrete base and aluminum detailing

Departure from Development Standards

Since the early design guidance meeting, the applicants revised their requested departures as follows:

Development Standard	Proposed	Justification
For nonresidential uses, the minimum width of a driveway for two way traffic shall be 22 feet in width (SMC 23.54.030D2a)	Two - 12 foot wide driveways for two way traffic	The reduced size of the curbcuts de-emphasizes the appearance of automobile entrance and exits and improves the pedestrian environment, especially near the adjacent residential zones
Above 13 feet from finished grade, the residential portion of a structure...shall be limited to a maximum lot coverage of 64% (SMC 23.47.008C)	A maximum of 74%	The site currently has three lots of record. The site may be replatted to allow separation of the proposed development from the existing residential building located on the lot, which will be retained. Prior to replatting, the development has 66% lot coverage. The lot coverage following a future platting action will result in the 74% coverage. In both scenarios, the added lot coverage is a result of modifying and simplifying the forms of the building, as requested by the Design Review Board.
Usable Open Space shall be 20% of the structures gross floor area in residential use (SMC 23.47.024A)	13%	The reduced area is appropriately sized and will be appropriately detailed for the number of residents in the building

SUMMARY OF RECOMMENDATION

During the Board's deliberation, members highlighted key issues with the development of the project. Generally speaking, the Board was pleased with the overall development of the project. However, the Board was concerned that the following issues need to be more fully addressed in the project, in order to achieve a project that meets the City-wide Design Guidelines applicable to this project:

- More fenestration or other design solutions should be brought to the curved wall to provide cues of the residential uses located behind this part of the structure
- Materials should be used to express function of the building
- A more fully developed landscape plan should be prepared that takes advantage of hardscape and screening for the site, particularly of the concrete wall to address potential problems with graffiti

- Additional design interest should be brought to the concrete wall at ground level
- The concrete parking lot distracts from the pedestrian experience and introduces an element of the project that is not appropriate next to the sidewalk
- A greater expression of the residential entry should be provided

After considering the proposed design and the project context, hearing public comment, and considering the solutions presented in relation to the previously stated design priorities, the Design Review Board members in attendance unanimously recommended **APPROVAL** of the subject design, with **conditions** listed below. The Board also unanimously recommended **APPROVAL** of the requested development standard departure from the requirements of the Land Use Code (listed above).

1. In support of Design Guideline A-3, the applicant shall develop additional design details through the use of materials, massing or other design solutions, to more clearly identify the residential entrance to the building.
2. In support of Design Guideline A-9, the surface parking lot on E. Madison shall be removed and replaced with Open Space or other uses or portions of the structure
3. In support of Design Guideline C-2, the applicant shall develop additional design details through the use of materials, massing or other design solutions, to provide more visibility and identity to the residential uses located behind the curved wall along E. Madison Street.
4. In support of Design Guideline D-2 the concrete walls at the base of the building shall be redesigned with additional materials, fenestration, landscaping or other design details
5. In support of Design Guideline E-2, a landscape plan that provides both hardscape and vegetation is required along E. Madison St in order to provide appropriate transition between the street and the uses.

Staff Analysis

The Director is bound by any consensus approval of the design and requested design departures, except in certain cases, in accordance with Section 23.41.014.F.3. These exceptions are limited to inconsistent application of the guidelines, exceeding the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director also concurs with the conclusions of the Board that the project does meet the City-wide design guidelines

To address the fulfillment of the conditions recommended by the Design Review Board, staff directed the development team to develop designs that would address their conditions. Accordingly, design revisions were incorporated into the proposal, dated December 19, 2003, that address the issues raised by the Board. The revisions include:

- A canopy to help define the entrance area for the joint residential/commercial entrance on E. Madison Street

- The removal of the surface parking lot proposed on E. Madison Street, with an increase in the size of the adjacent commercial space.
- Development of open space features, a bus stop waiting area and landscape / hardscape features along E. Madison Street
- Increase of the size of windows along the curved wall feature, particularly at the residential level
- Additional fenestration and windows at the street level along East Madison Street

Upon review of the design revisions submitted by the applicant, the conditions proposed by the Design Review Board and accepted by the Department have been fulfilled.

The approval of this project assumes that the extent of lot coverage granted under the recommendations would increase from 66% to 74% if any future platting action occurs between the parcels that comprise the development site. The Director notes that the approval of this MUP does not supercede any permit requirements for a future platting action to separate the two structures into separate legal building sites.

DECISION - DESIGN REVIEW

The Director accepts the Board's recommendations to approve the project design and the requested departures. The conditions listed below are provided to ensure that the design details approved with this project are implemented through construction. Therefore, the proposed design is **APPROVED, with conditions**. Based on the review and concurrence of the Design Review Board for the referenced Design Departures, the Departures are also **APPROVED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated April 24, 2002 and annotated by the Department. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision. The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

Noise

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:

1. Surveying and layout;

2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Construction Parking

Construction of the project is proposed to last for several months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an

approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. None of these applies to the subject property. All of the proposed drainage facilities must be designed in compliance with the current City of Seattle drainage codes. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Historic Preservation

The site includes an existing one story commercial structure. Due to the age of the structure, a referral was made to the Department of Neighborhoods under the City's SEPA Ordinance in SMC 25.05.675H. The referral to the Department of Neighborhoods Historic Preservation Officer included photographs and documentation to determine if any of the structures should be nominated as potential landmarks. Following review of materials prepared by the applicant, the Department of Neighborhoods determined that none of the structures were eligible for further consideration as a landmark. Accordingly, no further mitigation or conditioning is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS.**

DESIGN REVIEW - CONDITIONS

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner. Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project, or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

SEPA - CONDITIONS

Prior to issuance of any Construction or Grading Permits

1. The owner(s) and/or responsible party(s) shall secure DPD Land Use Division approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to DPD Land Use Division approval. The plans shall address the following:
 - Ingress/egress of construction equipment and trucks;
 - Truck access routes, to and from the site, for the excavation and construction phases;
 - Street and sidewalk closures;
 - Potential temporary displacement/relocation of any nearby bus stops.

Construction Conditions

1. Parking for construction workers shall be provided on-site as soon as the garage is completed.
2. In addition to any traffic enforcement personnel required by other City Ordinances, a separate full-time traffic control person shall be employed by the project developer to ensure continuous and smooth traffic movement along E Denny Way. Duties shall include, but not be limited to flagging and/or hand-directing cement trucks and the delivery of construction materials by truck in an efficient manner that does not disrupt the flow of traffic for long periods of time. Duties shall include ensuring sidewalks or walkways delineated by cones, ropes, mesh fencing or other methods are provided for pedestrians. A traffic control person shall remain actively engaged directing traffic all hours that construction occurs for the duration of the project.
3. In addition to meeting requirements of the City's Noise Ordinance, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 6:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:
 - Surveying and layout;
 - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction

time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DPD Construction Inspections.

Signature: (signature on file) Date: April 29, 2004

Michael Jenkins, Land Use Planner
Department of Planning and Development
Land Use Services

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